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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,763	12/06/2001	Jeffrey S. Larson	WAVE1100-1	2045
7590	10/28/2008		EXAMINER	
Robert C. Kowert Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. P.O. Box 398 Austin, TX 78767-0398			TRAN, MAI T	
			ART UNIT	PAPER NUMBER
			2129	
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			10/28/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/006,763	LARSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mai T. Tran	2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 June 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-59 is/are pending in the application.  
 4a) Of the above claim(s) 41-51 is/are withdrawn from consideration.  
 5) Claim(s) 52-59 is/are allowed.  
 6) Claim(s) 1-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 06/17/2008.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **REMARKS**

Applicants' amendment dated June 17, 2008 responding to the March 17, 2008 Office Action provided in the rejection of claims 1-59, wherein claims 1-2, 12, 21, 27, 32-33, 36, 38, 41, 48, and 52 have been amended and no new claims have been added.

The Examiner withdraws the objection to the specification, the objection to claims 2, 32, and 38 for the minor informalities, corresponding to Applicants' amendment.

The Examiner withdraws the rejection of claims 1-11, 12-20, 41-47, and 48-51 under 35 U.S.C. §112 2<sup>nd</sup> paragraph corresponding to Applicants' selection with traverse of claims 1-11 and 12-20 for purpose of examination. Accordingly, claims 41-51 have been withdrawn from further consideration as being directed to a non-election invention. See 37 CFR 1.142(b).

Claims 1-40 and 52-59 remain pending in the application and which have been fully considered by the examiner.

### **SPECIFICATION**

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

**Claims 21 and 27** recite the limitation of "*A computer-readable medium*", which is not defined explicitly in the specification as one of ordinary skill in the art would be able to determine the metes and bounds of "*computer-readable medium*." It is unclear what Applicants

consider as “*computer-readable medium*.” The computer-readable medium is found inadequately, insufficiently disclosed. It may cover embodiments where the medium is a wire, cable, signal, communication link, and/or signal *per se*, which are by the way non-statutory.

### **CLAIM REJECTIONS - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claims 1-20 and 41-51** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- **Claims 1-11 and 48-51, claims 12-20 and 41-47** are rejected under 35 U.S.C. 112, second paragraph, as being unduly multiplied. Applicants present an unreasonable number of claims which are repetitious and multiplied, the net result of which is to confuse rather than to clarify (See 35 C.F.R. 1.75 (b) and MPEP 2173.05(n)).

Applicants' reply **must include a selection** of claims for purpose of examination. A selection needs to be made between 2 sets: claims 1-11 and claims 48-51. Also, a selection needs to be made between 2 sets: claims 12-20 and claims 41-47.

2. **Claims 1-11, 33-35, and 36-40** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1 recites “*defining an additional resource*” on line 11. The claimed language is unclear as to why “an additional”. Firstly, applicants defining one source resource. Is source resource the same with resource? If it is then why not using source resource?
- Claim 33 recites “*receiving from said first administrator a definition of a second resource*” on line 9. The same question is applied as above.
- Claim 36 recites “*receiving an additional resource definition*” on line 8. The same question is applied as above.

## RESPONSE TO ARGUMENTS

Applicants' arguments filed June 17, 2008 have been fully considered but they are not persuasive. Specifically, Applicants made the following arguments:

1. **Rejection of claims 1-20 and 41-51 under 35 U.S.C. § 112 2<sup>nd</sup> paragraph:**

### Argument 1

Applicants respectfully traverse this rejection and assert that Applicants' claims are not unduly multiplied or repetitious. Further, Applicants' claims do not "confuse rather than clarify" as asserted by the Examiner. In response to the request to select between claims 1-10 and 48-50, Applicants select claims 1-10

WITH TRAVERSE. In response to the request to select between claims 12-20 and 41-47, Applicants select claims 12-20 WITH TRAVERSE.

Regarding the Examiner's assertion that claims 1-10 and 48-50 are unduly multiplied and repetitious, Applicants respectfully disagree with the Examiner. Firstly, the Examiner has provided absolutely no analysis or comparison of the claims and reasoning as to why one of ordinary skill in the art would be confused by the claims. The Examiner's rejection is entirely conclusory and unsupported. Therefore, the Examiner has failed to state a *prima facie* rejection. Moreover, claims 1-10 and 48-50 are clearly not unduly multiplied or repetitious. These two sets of claims only include a total of only 13 claims. Thirteen total claims between these two sets can hardly be said to be unduly multiplied. Furthermore, there are numerous differences in scope between the two sets of claims. For instance, claim 48 recites, in part, "receiving a first resource definition from a first administrator" and "receiving a second resource definition from a second administrator" whereas none of claims 1-10 recite anything about receiving resource definitions from administrators. Similarly, claim 49 recites, in part, "receiving a first source resource definition from said first administrator" and claim 50 recites, "receiving a second source resource definition from said second administrator." None of claims 1-10 recite anything about receiving source resource definitions from administrators. Thus, claims 48-50 are not unduly multiplied or repetitious claims when compared to claims 1- 10. While independent claims 1 and 48 may be of similar scope, they are not duplicate, unduly multiplied or repetitious claims.

Additionally, the various dependent claims (e.g., claims 2-10 and 49-50) are not multiplied or repetitious, contrary to the Examiner's assertion. For example, claim 2 recites, in part, " defining a correlation rule; and associating each information object from said second set of information objects with the corresponding user from said set of users based on said correlation rule" which is not recited in any of claims 48-50. Similarly, claim 3 recites, in part, "defining a correlation rule; ... and rejecting duplicate users from said set of users based on said correlation rule," which is not recited in claims 48-50.

Given the clear differences between the two sets of claims, the §112, second paragraph rejection of claim 1-10 and 48-50 is improper and removal thereof is respectfully requested.

Regarding the Examiner's assertion that claims 12-20 and 41-47 are unduly multiplied and repetitious, Applicants respectfully disagree with the Examiner. Firstly, the Examiner has provided absolutely no analysis or comparison of the claims and reasoning as to why one of ordinary skill in the art would be confused by the claims. The Examiner's rejection is entirely conclusory and unsupported. Therefore, the Examiner has failed to state a *prima facie* rejection. Moreover, claims 12-20 and 41-47 are not unduly multiplied or repetitious. These two sets of claims only include a total of only 16 claims. Sixteen total claims between these two sets can hardly be said to be unduly multiplied. Furthermore, there are numerous differences in scope between the two sets of claims. For example, claim 12 recites, in part, "defining at least one computer-implemented source resource containing a first set of user accounts from which a set of users are discoverable" and "using the definition for each at least one source resource to discover said set of users based on said set of user accounts" while claim 41 recites, in part, defining a computer-implemented first resource

containing information objects defining at least one user from a set of users" and "using the definition to discover said information objects based on said first resource definition." Thus, while claim 12 recites using a defined source resource containing a set of user accounts and using the definition to discover the set of users based on the set of user accounts', whereas claim 41 recites defining a resource containing information objects defining at least one user from a set of users and using the definition to discover information objects based on the resource definition. Thus, while independent claims 12 and 41 may be of similar scope, they are clearly not repetitive or unduly multiplied in contrast to each other.

Similarly, dependent claims 13-20 and 42-47 are also not unduly repetitive or multiplied. For instance, claim 45 recites, in part, "maintaining a resource account list for each virtual identity, wherein the resource account list for each virtual identity lists the resource accounts with which the corresponding user is associated and the resource from which each resource account was discovered." None of claims 12-20 recite this limitation as recited in claim 45.

Thus, the clear differences between claims 12-20 and 41-47 demonstrate that the claims are not, contrary to the Examiner contention, unduly multiplied or repetitive. The § 112, second paragraph, rejection of claim 12-20 and 41-47 is thus improper and removal thereof is respectfully requested.

In response, Examiner disagrees. Selection needs to be made between two sets of claims 1-11 and 48-51 since the independent claims 1 and 48 are unduly multiplied and repetitious. Claim 1 recites the following limitations: defining one source resource ..., using the source resource definition to discover set of users ..., defining an additional resource ..., using the additional resource definition to discover a second set of information objects ... Claim 48 recites the following limitations: receiving a first resource definition from a first administrator ..., receiving a second resource definition from a second administrator ..., using the first resource definition to discover information objects ..., using the second resource definition to discover second set of information objects ... As a whole, these two claims do not differ substantially from each other but merely repetitious and worded slightly different. Both defining a resource definition and use the resource definition to discover either users or information objects of users.

Regarding two sets of claims 12-20 and 41-47, the same analogy applies. As a whole, claim 12 and claim 41 do not differ substantially from each other but merely repetitious and worded slightly different. Both defining one source resource, using the source resource definition to discover set of users, and generating and storing data specifying an association of user account. Therefore, the rejection STANDS. Accordingly, claims 41-51 are withdrawn from further consideration as being directed to a non-elected invention.

### **ALLOWABLE SUBJECT MATTER**

Claims 1-20 and 33-40 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 41-51 need to be canceled to get the application ready for allowance.

Claims 52-59 are allowed.

### **CORRESPONDENCE INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mai T. Tran whose telephone number is (571)272-4238. The examiner can normally be reached on 10:00 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/mtt/  
Examiner, Art Unit 2129

/David R Vincent/  
Supervisory Patent Examiner, Art Unit 2129